

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

SOVERAIN SOFTWARE LLC,

Plaintiff,

V.

CDW CORPORATION, NEWEGG INC., \$

REDCATS USA, INC., SYSTEMAX INC., \$

ZAPPOS.COM, INC., REDCATS USA, L.P., \$

THE SPORTSMAN'S GUIDE, INC., and \$

TIGERDIRECT, INC.,

Defendants

\$

SOVERAIN SOFTWARE LLC, \$

Civil Action No. 6:07-CV-00511-LED

Civil Action No. 6:07-CV-00511-LED

SOVERAIN SOFTWARE LLC, \$

SOVERAI

DEFENDANT NEWEGG'S ADMITTED TRIAL EXHIBITS INDEX

EXHIBIT NO.	DESCRIPTION
• 1	Notes re meeting of 5/6/1994 at Open Market
. 2	How to Get the Most Out of CompuServe, 4 th Edition (1989) by Bowen and Peyton (Excerpts Attached as Exh 7 to Docket #247)
. 3	CompuServe CIM Running Start (1993) by Bob Campbell (Excerpts Attached as Exh 6 to Docket #247)
. 4	<u>Using CompuServe</u> by Ellsworth and Ellsworth (published March 30, 1994) (Excerpts attached as Exh 8 to Docket #247)
, 5	Certified copyright registration for Using CompuServe by Ellsworth and Ellsworth (published March 30, 1994) (Exh 9 to Docket #247)
, 6	Declaration of William P. Boger(11/17/2009)

. 9	Designing Systems for Internet Commerce, Second Edition, Treese and Stewart (2003) (Exh 12 to Docket #247)
· 11	U.S. Patent No. 5,774,670 to Montulli, issued on June 30, 1998
· 12	U.S. Patent No. 5,724,424 to Gifford, issued on March 3, 1998
14	Amendment dated May 15, 2001 filed at the Patent Office in connection with the application which resulted in the '639 patent(Exh. C to docket # 221)
15	Amendment dated December 28, 2001 filed at the Patent Office in connection with the application which resulted in the '639 patent(Exh D to docket # 221)
16	Excerpted pages from a book by G. Winfield Treese and Lawrence C. Stewart, both named inventors of the '639 and '780 patents, entitled "Designing Systems for Internet Commerce," Addison-Welsey (2nd ed. 2003).(Exh E to docket # 221)
20	Declaration filed by Lou Montulli filed in connection with prosecution of U.S. Patent Application Serial No. 08/918,977, which is a divisional application of the Montulli patent(Exh L to docket # 221)
21	"Persistent Client State HTTP Cookies," which was published by Netscape on its website between December 1994 and January 1995(Exh M to docket # 221)
22 25	Article by David M. Kristol entitled "HTTP Cookies: Standards, Privacy, and Politics," published in 2001(Exh N to docket # 221) WWW-Talk Montulli 4/18/95
27	Johnson et al. U.S. Patent No. 5,560,008.
31	Appendices A-E of '314 Patent
34	Email from Lawrence Stewart to Bill Dally of 5/19/1995(Exh 7 to docket # 231)
35	Email from Lawrence Stewart to Andrew Payne of 5/3/1995(Exh 8 to docket # 231)
37	IDS dated 3/27/1996(Exh 10 to docket # 231)

48	Newegg MIS Dep't Presentation
50	Open Market memo re store building kit, by Lawrence Stewart
51	Open Market memo re payment system, by Lawrence Stewart
52	Routines for talking to payment database at Open Market
53	Email from Lawrence Stewart
54	Email from Lawrence Stewart
56	Designing Systems for Internet Commerce by Treese & Stewart Addison-Wesley Professional, 04/1998, 400 pages, ISBN-0-201-57167-6
57	Source code from Lawrence Stewart
58	Source code from Andrew Payne
59	Open Market press release of 10/24/1994
60	Open Market Http code
61	Declaration of Prior Invention to Overcome Cited Reference(s) Under 37 C.F.R. § 1.131 for Serial No. 09-005,479 dated October 19, 2006
09	ShoppingCartCheckOutBL.cs
71	Newegg screen shot shopping_flow_part11.Home
74	Newegg screen shot shopping_flow_part12. Search SSD
78	Newegg screen shot shopping_flow_part13.Add To Cart
81	Newegg screen shot shopping_flow_part14. View Shopping Cart
83	Newegg screen shot shopping_flow_part15.Login
85	Newegg screen shot shopping_flow_part2A.View cart_2 Items
88	Newegg screen shot shopping_flow_part26.Check out
91	Newegg screen shot shopping_flow_part27.Home Again

94	Newegg screen shot shopping_flow_part28.Search sata 3.0gb cable
96	Newegg screen shot shopping flow part29.Add card to cart
100	Newegg screen shot shopping_flow_part3B.Login to checkout
103	Newegg screen shot shopping_flow_part3C.Checkout_step1
106	Newegg screen shot shopping_flow_part3D.Checkout_Step2
109	Newegg screen shot shopping_flow_part3E.Order Done
112	Photographs of Newegg Facilities
116	ShoppingRealTimeBL.cs
117	ShoppingRealTimeDA.cs
118	DataCommand_Addtion.config
137	http://www.ietf.org/rfc/rfc791.txt"Internet Protocol Darpa Internet Program Protocol Specification"(9/1981) (Exh 14 to docket # 230) Newegg System Diagrams (Exh 15 to docket # 230)
140	Newegg About Us and FAQ pages (Exh 17 to docket # 230)
141	Newegg Flowchart (Exh 18 to docket # 230)
146	Appendix G to '314 Patent (Exh. 26 to docket # 258)
156	CompuServe Mall Video
172	Wall Street Journal Article re Open Market of 3/3/1998(Exh C to Docket #257)
175	Building Web Commerce Sites, Tittel et al.(Exh F to Docket #257)
177	Server Diagram(Exh 3 to Docket # 262)
192	Transact software license from Open Market to Bureau of National Affairs
193	Transact software license from Open Market to McGraw-Hill
194	Transact software license from Open Market to Clearview Technologies

195	Transact software license from Open Market to Bureau of National Affairs
196	Transact software license from Open Market to MIC Systems
197	Transact software license from Open Market to Thomson Learning
198	Transact software license from Open Market to Novis
199	Transact software license from Open Market to Corel
200	Transact software license from Open Market to Finsiel Spa
201	Transact CSP software license from Open Market to AT&T Corp.
202	Transact CSP software license from Open Market to Blue Window
203	Transact CSP software license from Open Market to MTS Advanced
204	Transact CSP software license from Open Market to Nippon Telegraph
205	Transact CSP software license from Open Market to Cable and Wireless PLC
206	Transact CSP software license from Open Market to Demon Internet, Ltd.
207	Transact CSP software license from Open Market to Telia Electronic Commerce AB
208	Transact CSP software license from Open Market to Marand d.o.o.
209	Transact CSP software license from Open Market to Demon Internet, Ltd.
210	Transact CSP software license from Open Market to Canal
211	Transact CSP software license from Open Market to Terranet, Ltd.
212	Transact CSP software license from Open Market to Reuters Limited
213	Transact CSP software license from Open Market to Kocsistem-Bilgi Ve Iletisim Hizmetleri As
214	Transact CSP software license from Open Market to Lynk Systems
215	Transact CSP software license from Open Market to NTT PC Communications

	Transact CSP software license from Open Market to Wind
216	Telecommunicaczioni Spa
217	Transact software license from divine to Houghton Mifflin
240	Transact CSP software license from Open Market to Swisscom AG,
218	BusinessCom Eleconic Commerce Solutions Internal Open Market Documents
220	Internal Open Market Documents
221	History of Intershop Efinity product, Attachment B to Supplemental expert report of W. Christopher Bakewell (9/22/2009)
222	Overview of Intershop Efinity functionality, Attachment C to Supplemental expert report of W. Christopher Bakewell (9/22/2009)
223	Patent license from Open Market to Johnson & Johnson Vision Care
224	Patent license from Open Market to Internet Number Corp.
225	Patent license from divine to Emagio, Inc.
226	Patent license from divine to Natural Foods, Inc.
227	Patent license from divine to Webster Orchard / The Fruit Company, Inc.
228	Patent license from divine to Perfumania.com
229	Patent license from divine to Game Link, Inc.
230	Patent license from divine to Bikecology, Inc.
231	Patent license from divine to Cartronix, Inc.
232	Patent license from divine to L.H. Internet
233	Patent license from divine to Katco Industries
234	Patent license from divine to Glooks.com
235	Patent license from divine to Spun.com
236	Patent license from divine to Kreiss Enterprises, Inc.
237	Patent license from divine to Odimo, Inc.

238	Patent license from divine to Cadence 120 Bicycle Works
239	Patent license from divine to Tryiton Eyewear, LLC
240	Patent license from divine to Bissenger French Confections
241	Patent license from divine to DVDPlanet.com, Inc.
242	Patent license from divine to System Optics, Inc.
243	Open Market Proposed Patent License Terms
244	Open Market correspondence and proposed assignment of patents to Ricos International
245	Harvard Business School Article Concerning Open Market
247	Soverain CSP Program Summary
248	Soverain Transact Strategy
250	Soverain Transact Income Statement for 2003-2008
252	Open Market Form 10-K for fiscal year ended December 31, 1996
253	Open Market Form 10-K for fiscal year ended December 31, 1999
254	Open Market Form 10-K for fiscal year ended December 31, 2000
255	Open Market Form 10-Q for six months ended June 30, 2001
256	Open Market Financials
268	CV of W. Christopher Bakewell, Attachment A to expert report of W. Christopher Bakewell (8/31/2009)
269	Internal Open Market strategy document
270	Newegg customer poll
272	Open Market Internal licensing document
273	Soverain Internal strategy document
274	Open Market's form 10-K for the fiscal year ended December 31, 1997
275	Open Market's form 10-K/A for the fiscal year ended December 31, 2000
276	Divine, Inc.'s Form 8-K (filed May 6, 2003)

278	"Integrating Content and Commerce," A Technical White Paper from Open Market, Inc.(10/18/1999)
	G 10 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
283	Open Market, Inc., Montgomery Securities Analyst Report March 4, 1998
	N. 1.6 (2.36 mod 2005
284	Newegg.com Information Memorandum March 2005
	Newegg.com Board of Directors Meetings, Financial Update – Q3 Results,
285	Q4 and Full Year Outlook(11/9/2007)
203	Newegg.com Corporate Summary,
	http://www.newegg.com/Info/AboutUs.aspx
	<u>International Control of the Contro</u>
287	
	Newegg.com Online Poll Results
295	http://secure.newegg.com/FeedBack/OnlinePollResult.aspx
200	N. A
296	Newegg.com Awards/Rankings http://www.newegg.com/Info/Awards.aspx
298	Newegg.com Fact Sheethttp://www.newegg.com/Info/FactSheet.aspx.
270	Trowning.com Later Street, and the street, and
	Article— "Open Market Sues Intershop Over Patent Infringement,"
•	http://www.crn.com/it-channel/ 18812942;jsessionid=
300	LHYUVEC12TJ4LQE1GHOSKH4ATMY32JVN f/n. 150(1/26/2001)
	Article—"Where is It Now? Open Market's Fall,"
301	http://www.businessweek.com/1999/99_44/b3653038.htm(11/1/1999)
303	United States Patent No. 5,715,314
304	United States Patent No. 5,909,492
305	United States Patent No. 7,272,639
306	United States Patent No. 5,708,780
307	United States Patent No. 5,715,314 C1
308	United States Patent No. 5,909,492 C1
300	
	Selling on Amazon.com—Amazon
:	Marketplace; http://www.amazon.com/gp/help/customer/display.html?ie=UTF
311	8&nodeId=1161232.

312	Selling on Amazon.com—Fees and Pricing; http://www.amazon.com/gp/help/customer/display.html?ie=UTF8&nodeId=1 http://www.amazon.com/gp/help/customer/display.html?ie=UTF8&nodeId=1 http://www.amazon.com/gp/help/customer/display.html?ie=UTF8&nodeId=1
**************************************	Yahoo! Store, "What is Yahoo Merchant Solutions,"
313	http://onlinebusiness.about.com/od/sellinggoodsonline/p/yahoo-store.htm?p=1.
	0,000
314	Google Checkout—Increase Online Sales Using Google Checkout, https://checkout.google.com/sell/?gsessionid=bwGYf6Ni2iw
315	Google Checkout—The Google Checkout Buyer Experience, https://checkout.google.com/seller/experience.html
341	Open Market, Inc. Annual Report for 1997
342	Divine, Inc. Form 10-K 405 for the fiscal year ended December 31, 2001
343	Divine, Inc. 8-K (Filed 5/06/2003)
345	Mergent Company Report, Divine, Inc. (11/30/2001)
349	Article— "Divine Bids US\$59.3m for Open Market," http://www.internetnews.com/xSP/ article.php/867161/divine+Bids+US593m+For+Open+Market.htm (8/16/2001)
352	Soverain-About Us, http://www.soverain.com/asp/about/
302	, , , , , , , , , , , , , , , , , , , ,
353	Soverain-Legacy, http://www.soverain.com/asp/about/about_legacy.asp
354	"Soverain—Transact A Full-Service E-Commerce System,"www.soverain.com/pdf/transact_product_overview.pdf (2009)
357	Article—"Newegg.com Works With Foresee Results to Gauge Satisfaction of Diverse Customers," http://www.foreseeresults.com/Press_NewEgg_Jan07.html (1/16/2007)

r	
358	Article—"Leading Online Electronics Retailer Newegg Begins New Year With Key Awards," http://www.newegg.com/Info/Newsroom Detail.aspx?ID=492&Type=3 (1/28/2009)
330	Detail.aspx:1D 472ceType 3 (1726/2007)
359	The Internet Commerce Software Market
363	Correspondence between representatives of Open Market, Inc. and Johnson & Johnson Vision Care, Inc. (5/30/2000)
364	Correspondence between representatives of Divine Technology Ventures and Emagio, Inc. (9/20/2002)
365	Correspondence between representatives of Divine Technology Ventures and Emagio, Inc. (9/17/2002)
366	Correspondence between representatives of Divine Technology Ventures and Natural Foods, Inc. (9/24/2002)
367	Correspondence between representatives of Divine Technology Ventures and Natural Foods, Inc. (9/13/2002)
368	Correspondence between representatives of Divine Technology Ventures and Natural Foods, Inc. (8/28/2002)
369	Correspondence between representatives of Divine Technology Ventures and Webster Orchard, Inc./The Fruit Company, Inc. (9/24/2002)
30)	
	Correspondence between representatives of Divine Technology Ventures and
370	Webster Orchard, Inc./The Fruit Company, Inc. (8/28/2002)
371	Complaint filed by Divine Technology Ventures against Allwall Technologies, Inc. d/b/a/ Art.com (9/9/2002)
372	Correspondence between representatives of Divine Technology Ventures and Perfumania.com (10/2002)
1	

373	Correspondence between representatives of Divine Technology Ventures and Perfumania.com (10/3/2002)
374	Correspondence between representatives of Divine Technology Ventures and Perfumania.com (9/17/2002)
375	Correspondence between representatives of Divine Technology Ventures and Perfumania.com (7/26/2002)
376	Correspondence between representatives of Divine Technology Ventures and Game Link, Inc. (9/2002)
377	Correspondence between representatives of Divine Technology Ventures and Game Link, Inc. (9/29/2002)
378	Correspondence between representatives of Divine Technology Ventures and Game Link, Inc. (10/10/2002)
379	Complaint filed by Divine Technology Ventures against Wine.com, Inc. (9/20/2002)
380	Voluntary Dismissal filed by Divine Technology Ventures against Wine.com, Inc.(10/24/2002)
381	Correspondence between representatives of Divine Technology Ventures and Bikecology, Inc. (9-10/2002)
382	Correspondence between representatives of Divine Technology Ventures and Bikecology, Inc. (9/16/2002)
383	Correspondence between representatives of Divine Technology Ventures and Cartronix, Inc. (10/17-20/2002)
384	Correspondence between representatives of Divine Technology Ventures and Cartronix, Inc. (9/26/2002)
385	Correspondence between representatives of Divine Technology Ventures and Cartronix, Inc. (9/12/2002)

	
386	Complaint filed by Divine Technology Ventures against Direct Distributions Enterprises, Inc. (10/11/2002)
387	Correspondence between representatives of Divine Technology Ventures and L.H. Internet (10/16/2002)
388	Correspondence between representatives of Divine Technology Ventures and L.H. Internet (10/4/2002)
389	Correspondence between representatives of Divine Technology Ventures and L.H. Internet (9/13/2002)
390	Complaint filed by Divine Technology Ventures against Five Star Video, L.C. d/b/a Five Star Video Distributors (9/26/2002)
391	Correspondence between representatives of Divine Technology Ventures and GLOOKS.com (10/2002)
392	Correspondence between representatives of Divine Technology Ventures and GLOOKS.com (9/26/2002)
393	Correspondence between representatives of Divine Technology Ventures and GLOOKS.com (9/10/2002)
394	Correspondence between representatives of Divine Technology Ventures and Spun.com (10/8/2002)
395	Correspondence between representatives of Divine Technology Ventures and Spun.com (9/25/2002)
396	Voluntary Dismissal filed by Divine Technology Ventures against Bellacor.com, Inc. (11/5/2002)
397	Complaint filed by Divine Technology Ventures against Bellacor.com, Inc. (9/16/2002)
398	Correspondence between representatives of Divine Technology Ventures and Kreiss Enterprises, Inc. (10/16/2002)
399	Correspondence between representatives of Divine Technology Ventures and Kreiss Enterprises, Inc. (10/4/2002)

[
400	Correspondence between representatives of Divine Technology Ventures and Odimo Incorporated (10/31/2002)
100	Odinio incorporated (10/31/2002)
	Common day on hottygon representatives of Divine Technology Ventures and
401	Correspondence between representatives of Divine Technology Ventures and Odimo Incorporated (9/2002)
	Correspondence between representatives of Divine Technology Ventures and
402	Cadence 120 Bicycle Works, Inc. (10-11/2002)
	Correspondence between representatives of Divine Technology Ventures and
403	Bissenger French Confections (10/22/2002)
	Correspondence between representatives of Divine Technology Ventures and
404	CLBL, Inc. (11/5/2002)
	Complaint filed by Divine Technology Ventures against Thompson &
405	Morgan, Inc. and Thompson & Morgan (Group) Holdings Limited (11/20/2002)
100	
406	Litigation Related Documents and correspondence re divine v. Thompson & Morgan
700	
407	Settlement agreement and proof of payments by Advance Comfort to Divine Technology Ventures
407	Advance comfort pleadings
	Correspondence between representatives of Divine Technology Ventures and
409	Allposters.com,Inc. (10/30/2002)
	Complaint filed by Divine Technology Ventures against Allposters.com, Inc.
410	(11/13/2002)
	Correspondence between representatives of Divine Technology Ventures and
411	DVDPlanet.com, Inc. (1/26/2002)
	Correspondence between representatives of Divine Technology Ventures and
412	DVDPlanet.com, Inc. (10/30/2002)

413	Correspondence between representatives of Divine Technology Ventures and DVDPlanet.com, Inc. (10/2/2002)
414	Correspondence between representatives of Divine Technology Ventures and DVDPlanet.com, Inc. (9/10/2002)
415	Correspondence between representatives of Divine Technology Ventures and System Optics, Inc. (1/4/2003)
416	Correspondence between representatives of Divine Technology Ventures and System Optics, Inc. (1/16/2003)
417	Correspondence between representatives of Divine Technology Ventures and System Optics, Inc. (11/4/2002)
418	Complaint filed by Divine Technology Ventures against Johnny Selected Seeds
419	Correspondence between representatives of divine and eyeglasses.com
420	Correspondence between representatives of divine and Tryiton Eyewear, LLC
439	Article-Webstore by Amazon http://webstore.amazon.com/WebStore-Pricing/ Article-Webstore by Amazon, http://webstore.amazon.com/Benefits-of-
440	WebStore-by-Amazon/
443	Article-http://smallbusiness.yahoo.com/ecommerce/plans.php
445	Correspondence between representatives of Divine Technology Ventures and Perfumania.com (09/03/02)
446	Correspondence between representatives of Divine Technology Ventures and Cadence 120 Bicycle Works Inc. (09/20/02)

447	Correspondence between representatives of Divine Technology Ventures and Cadence 120 Bicycle Works Inc. (09/13/02)
	Patent Assignment and License agreement between Open Market and Internet
448	Number Corporation
486	CV of Edward Tittel
488	Library of Congress Catalog entry, Ellsworth, "Using CompuServe"
495	Library of Congress Catalog entry, Bowen and Peyton, "How to get the most out of CompuServe"
501	Library of Congress Catalog entry, Campbell, "CompuServe CIM Running Start"
504	Certified copyright registration for How to get the most out of CompuServe by Bowen and Peyton (published January 2, 1989)
505	Certified copyright registration for CompuServe CIM Running Start by Campbell (published May 24, 1993)
515	The Trail Guide to CompuServe by Robert R. Wiggins and Ed Tittel, ISBN 0201408341, Addison Wesley Longman (September 1994)
516	Plaintiff's and Defendant's Stipulated Facts